

REMARKS/ARGUMENTS

The Office Action mailed June 28, 2004 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Applicant has amended the Application to attend to housekeeping matters and to more clearly describe the invention. Claim 1 was amended to recite that the dye-transfer-inhibiting dye fixatives are obtained by reacting a) polyamines with cyanamides and amidosulfuric acid, or b) cyanamides with aldehydes and ammonium salts. Support for this amendment may be found in originally filed claim 1. Claims 2 and 3 were amended to properly recite lists in Markush form. Support for the amendments to claims 2 and 3 may be found in originally filed claims 2 and 3. New claim 8 recites a method for inhibiting dye transfer in washing liquor comprising adding to the washing liquor a laundry detergent having dye-transfer-inhibiting dye fixative obtained as recited as claimed in claim 1. Support for new claim 8 may be found in originally filed claim 1 and in Applicant's Specification in paragraph [0007] and [0008]. Claim 9 recites that the dye-transfer-inhibiting dye fixative is combined with the laundry detergent in pulverulent, granular, paste, gel and liquid forms. Support for new claim 9 can be found in Applicant's paragraph [0009]. New claim 10 recites that the dye-transfer-inhibiting dye fixative ranges from 0.1 to 10 weight percent of the laundry detergent. It is believed that no new matter has been introduced by these amendments and that no additional search is required by the office.

Applicant's invention relates to the surprising discovery that certain dye fixative agents act as dye transfer inhibitors when added to a detergent and the detergent together with the dye-transfer-inhibitor dye fixative are used in washing liquor to clean colored fabrics. Applicant discovered that the reaction products of polyamines with cyanamides and amidosulfuric acid, or the reaction products of cyanamides with aldehydes and ammonium salts when added to standard test

detergents both with and without bleach, significantly improved the color retention of the colored fabrics.

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767('WO767). The rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767 should be withdrawn for the reason that the WO reference does not disclose the claimed dye-transfer-inhibiting dye fixative of the present invention. The 'WO767 broadly discloses a fabric enhancement system which includes a very large number of polyamine compounds and a dye protection system which comprise oligomers formed by the reaction of one or more substituted or unsubstituted polymerizable imidazoles with an epihalohydrin crosslinking agent. Nowhere in the 'WO767 reference is it taught or suggested that reaction products of polyamines with cyanamides and amidosulfuric acid, or the reaction products of cyanamides with aldehydes and ammonium salts would produce dye transfer inhibiting dye fixatives which could be used in conjunction with laundry detergents to protect and retain colors in fabrics during the laundry process. The rejection of claims 2-7 as amended under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767 should be withdrawn for the reasons given in support of claim 1 from which they depend.

Claims 1 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) ('544). The rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) should be withdrawn for the reason that the '544 reference requires an acylcyanamide salt and broadly discloses a water soluble organic polymer such as a polyamine which is an adduct or condensate of polyfunctional aliphatic amines and epichlorohydrin. Applicant's dye transfer inhibiting dye fixative are different from those disclosed in the '544 reference. Applicant's dye-transfer-inhibiting dye fixatives are reaction products of polyamines with cyanamides and amidosulfuric acid, or the reaction products of cyanamides with aldehydes and ammonium salts, which are not disclosed in the '544 reference. Therefore, the rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) should be withdrawn for the reason that both suggestion and expectation of success

must be found in the prior art, not in the Applicant's disclosure. The rejection of claim 7 as amended under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) should be withdrawn for the reason given in support of claim 1 from which claim 7 depends.

Claims 1, 2 and 4-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Panandiker et al. (US 6,596,678) ('678). The rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over Panandiker et al. (US 6,596,678) should be withdrawn for the reason that Panandiker is relied upon for disclosing a complex which is prepared by reacting at least one amine and a crosslinking agent such as an epihalohydrin. Furthermore, Panandiker et al. requires the presence of a polymeric anion source which is contained within the polyelectrolytic complex of cationic and anionic polymers. Thus, the anionic polymer must be combined with the cationic polymer when both are in the same phase such as in solution together, not simply mixed in a dry form as a detergent builder. Applicant's invention as now claimed are dye transfer inhibiting dye fixatives which are reaction products of polyamines with cyanamides and amidosulfuric acid, or the reaction products of cyanamides with aldehydes and ammonium salts, which are not disclosed in the '678 reference. Therefore, the rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over (US 6,596,678) should be withdrawn for the reason that both suggestion and expectation of success must be found in the prior art, not in the Applicant's disclosure. The rejection of claims 2 and 4-7 under 35 U.S.C. 103(a) as being unpatentable over (US 6,596,678) should be withdrawn for the reasons given in support of amended claim 1 from which they depend.

Applicant claims priority of foreign priority papers and has previously (25 July 2002) submitted certified copies of DE 10110338.7 (March 3, 2001) and DE 10150724.0 (October 13, 2001). Accurate English translations of these German priority documents are hereby submitted with the filing of this response. Accordingly, the Moorfield et al. publication (US 2004/0023836) should not be considered as prior art to the instant application, and any rejection based on Moorfield et al. or Moorfield et al. in combination with any other reference is improper and should be withdrawn.

Claim 1 was rejected under 35 USC §102(e) as being anticipated by Moorfield et al (US 2004/0023836), which was filed in the US on 23 June, 2003 and published as US 2004/0023836 on 5 February 2004. Moorfield et al. disclose uses for cationic polymers such as amine-epichlorohydrin resins and polyamine-epichlorohydrin resins. As amended claim 1 does not include such compounds. In order for a prior patent to anticipate an invention, it is necessary that all of the elements of the invention or their equivalents be found in one single structure or description where they do substantially the same work in substantially the same way. Moorfield et al. does not disclose Applicant's invention as now claimed, which are dye transfer inhibiting dye fixatives which are reaction products of polyamines with cyanamides and amidosulfuric acid, or the reaction products of cyanamides with aldehydes and ammonium salts. Therefore the rejection of claim 1 under 35 USC §102(e) as being anticipated by Moorfield et al (US 2004/0023836) should be withdrawn for it does not disclose applicant's invention.

Claims 2-5 were rejected under 35 USC §103(a) as being unpatentable over Moorfield et al. (US 2004/0023836). The rejection of claims 2-5 under 35 USC §103(a) as being unpatentable over Moorfield et al. (US 2004/0023836) should be withdrawn for the reasons given hereinabove with reference to claim 1 because Moorfield et al. do not disclose any of the elements of applicant's invention recited in amended claim 1, and claims 2-5 which depend from amended claim 1, do not provide any of those missing elements.

Claims 6 and 7 were rejected under 35 USC §103(a) as being unpatentable over WO 01/00767 or Moorfield et al. (US 2004/0023836) as applied to the rejected claims above, and further in view of Panandiker et al. (US 6,596,678). Claims 6 and 7 are dependent claims wherein the laundry detergent further comprises cellulases and bleaches, respectively. As discussed hereinabove, none of the references taken separately or together disclose applicant's invention or provide any motivation to one skilled in the art to arrive at Applicant's invention. The rejection of claims 6 and 7 under 35 USC §103(a) as being unpatentable over WO 01/00767 or Moorfield et al. (US 2004/0023836) as applied to the rejected claims above, and further in view of Panandiker et al. (US 6,596,678) should be withdrawn for the reasons given

hereinabove and that the addition of the cellulases and bleaches terms to a laundry detergent does not provide the suggestion their combination with Applicant's dye-transfer-inhibiting dye fixative. It is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what the invention fairly suggests to one of ordinary skill in the art.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Panandiker et al. (US 6,596,678) as applied to claims 1, 2 and 4-7 above, and further in view of WO 01/00767. Claim 3, as amended recites a list of conventional dye transfer inhibitors which can be used in conjunction with applicant's dye-transfer-inhibiting dye fixative. As discussed hereinabove, neither Panandiker et al. nor the 'WO767 reference discloses applicant's invention as recited in amended claim 1. Tables 7 and 8 show the results of the dye inhibiting dye fixative of the present invention with and without bleach and show significant advantage in color retention both with and without the bleach using Applicant's dye-transfer-inhibiting dye fixative. Similarly, Tables 9 and 10 contrast the results of detergents with and without bleach for a second reference detergent. Examples 1 and 2 of these tables corresponds to the materials of claim 1a) and claim 1b). In all cases a significant improvement in color retention was demonstrated. Therefore the rejection of claim 3 under 35 USC §103(a) as being unpatentable over WO 01/00767 or Moorfield et al. (US 2004/0023836) as applied to the rejected claims above, and further in view of Panandiker et al. (US 6,596,678) should be withdrawn for the reason that the combination of these references fails to provide all of the elements of applicant's invention and no one skilled in the art would anticipate Applicant's unexpected improvement in color retention.

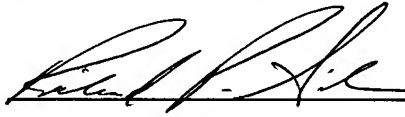
Claims 1-7 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/085,997. Applicant has herewith amended claim 1 of the instant invention which removed any overlapping claims between the Applications. Therefore the provisional rejection of Claims 1-7 under the judicially

created doctrine of double patenting over the claims 1-9 of copending Application No. 10/085,997 should be withdrawn.

It is respectfully submitted that, in view of the above remarks, the rejections under 35 U.S.C. §102 and §103 and the rejection under the judicially created doctrine of obviousness-type double patenting should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,



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Petition for 2-month extension of time
Accurate Translations of Previously filed German Priority Documents